

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46354 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. SATO RAJAK @ SAATO RAJAK Son of Jharulla Rajak @ Jharulla Rajak Resident of Village - Rachiyahi, Dhobi Tola, Ward No.7, P.S.- Muffasil, Distt.- Begusarai.
 2. Sanjay Rajak Son of Jharulla Rajak @ Jharulla Rajak Resident of Village - Rachiyahi, Dhobi Tola, Ward No.7, P.S.- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s :	Mr. Subhesh Pandey, Advocate
	Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-04-2022 Heard learned counsel appearing on behalf of the petitioners, learned counsel appearing on behalf of the informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 07.02.2021, seek regular bail in connection with Muffasil P.S. Case No. 79 of 2021 dated 06.02.2021 registered for offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 325, 337, 338, 379 and 302 of the Indian Penal Code.

Prosecution story in brief is that on 06.02.2021 at



11.30 A.M., the informant and his father Rajo Rajak were at their house and in the meantime all named accused persons including these petitioners started constructing wall on the land of the informant. When informant and his father objected the said activity then all of them came with iron rod, lathi, danda and bricks and started abusing and one Hareram Rajak assaulted the father of the informant (deceased) with intention to kill with iron rod. Rajesh Kumar also assaulted the deceased with lathi and other co-accused also assaulted the deceased with lathi and danda. All the accused persons also assaulted Meena Devi, Komal Kumari and Santosh when then came to rescue the deceased. In course of scuffle Vikash Kumar snatched the golden chain from the neck of the deceased and Shambhu Rajak snatched ear ring of Meena Devi.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have committed no offence. There is general and omnibus allegation against the petitioners. No specific allegation of overt act has been alleged against the petitioners. Charge-sheet has already been submitted. Petitioners have clean antecedent and they are in custody since 07.02.2021.

Learned counsel appearing on behalf of the informant



submits that so far as injury report of Meena Devi is concerned, the I.O. has deliberately not made reference to the same in course of investigation however, the same can be verified from the Primary Health Centre, Begusarai.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners.

Considering the facts and circumstances of the case as well as the period of custody of the petitioners, no specific allegation of overt act has been alleged against the petitioner, the Court below is directed to release the petitioners above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 79 of 2021 dated 06.02.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

Civil Surgeon, Begusarai is directed to produce the injury report dated 06.02.2021 and 08.02.2021 before the Court below in sealed cover positively within a week from the date of communication of this order.

(Purnendu Singh, J)

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